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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEI-FANG LISA ZHANG, et al.,

Plaintiffs,

vs.

WEI-MAN RAYMOND TSE, et al.,

Defendants.

) Case No.: C-07-04946 JSW
) (Related to C-05-02641 JSW)

**REQUEST FOR ISSUANCE OF WRIT
OF EXECUTION AND SUPPORTING
DECLARATION OF CHRISTOPHER C.
COOKE**

REQUEST FOR ISSUANCE OF WRIT OF EXECUTION

Plaintiffs hereby request the issuance of a writ of execution. On April 19, 2010, this Court issued a writ of execution, which has now expired. Plaintiffs seek a new writ to replace the one that expired. A proposed writ of execution is filed together with this request.

1
2 Respectfully Submitted,

3 COOKE, KOBRICK, & WU LLP

4 Dated: January 11, 2012

5 /s/
6 By: _____
7 CHRISTOPHER C. COOKE
8 Attorneys for Plaintiffs

9
10 **DECLARATION OF CHRISTOPHER C. COOKE**

11 I, Christopher C. Cooke, declare:

12 1. I am one of the attorneys for Plaintiffs in this action. I make this declaration in
13 support of Plaintiffs' Request for Issuance of Writ of Execution.

14 2. Judgment for \$1,080,933.55 was entered on February 3, 2009 on the docket of the
15 above-entitled action in the U.S. District Court for the Northern District of California in favor of
16 Plaintiffs MEI-FANG LISA ZHANG, BAY AREA AFFORDABLE HOUSING, LLC, XUE-
17 HUAN GAO, YANG-CHUN ZHANG, CAROL JIAN DENG, and HAO LIANG as Judgment
18 Creditors, and against Defendants WEI-MAN RAYMOND TSE, THERESA WONG, JAMES
19 YU, BILL SHU WAI MA, VICTOR SO, JIAN XIAO, CHRIST INVESTMENT SERVICE
20 INC., CIS SERVICE, INC., PACIFIC BEST GROUP LTD. a.k.a. PACIFIC BEST COMPANY
21 LTD., and SOUTH CHINA INVESTMENT INC. as Judgment Debtors. The Judgment included
22 \$992,547 in compensatory damages, \$40,958.21 in prejudgment interest, attorneys' fees in the
23 amount of \$39,552.50, and costs in the amount of \$7,875.84, pursuant to an Amended Judgment
24 issued *nunc pro tunc* to February 3, 2009 on March 16, 2009.

25 3. On April 19, 2010, this Court issued a Writ of Execution, which has now expired.
26 Plaintiffs now seek a renewed Writ of Execution on their judgment, which has not been satisfied.

27 4. On September 20, 2011, the United States Marshal Service filed a return of this
28 writ of execution, indicating that the judgment has not been fully satisfied because only

1 \$284,536.16 had been collected on the writ, and that additional recoverable costs of \$940 have
2 been incurred. See Docket Entry #175.

3 5. To date, plaintiffs have received the following in payments or partial satisfaction
4 to be credited against the judgment as entered, as follows: (a) \$44,350.86, recovered on July 22,
5 2010 pursuant to Notice of Levy issued to Wells Fargo Bank; (b) \$7,000 funds recovered on
6 November 8, 2010 pursuant to Notice of Levy issued to Wells Fargo Bank; (c) \$200,000,
7 received on May 20, 2011, pursuant to a settlement with one judgment debtor, Bill Ma; (d)
8 \$32,445.30, credited on May 20, 2011, pursuant to the settlement with Mr. Ma; and (e) \$740
9 credited on May 20, 2011 pursuant to the settlement with Mr. Ma.

10 6. I have applied these payments as credits first to the unpaid accrued post-judgment
11 interest on the judgment and then to the unpaid principal balance of the judgment. I estimate that,
12 as of January 11, 2012, the sum of \$809,306.17 is still owing on the unpaid judgment, the sum of
13 \$2,560 has accrued as post-judgment interest since May 20, 2011, the date on which the last
14 payment was received, and that this interest accrues at the daily rate of \$10.85. My method of
15 calculating the post-judgment interest amount is as follows:

- 16 a. Pursuant to Section 1961(a) of Title 28, I determined the post judgment
17 interest rate applicable on the date of judgment (February 3, 2009) by
18 reference to the weekly average of 1-year constant maturity Treasury
19 yield, as published by the Board of Governors of the Federal Reserve
20 System, as of 1/30/2009 (the week immediately before the date of
21 judgment). The rate of interest for the weekly average of 1-year constant
22 maturity Treasury yield, as published by the Board of Governors of the
23 Federal Reserve System, as of 1/30/2009 (the calendar week preceding
24 February 3, 2009), was 0.0049 (0.49 percent), according to the
25 information published on the chart which may be found at the Federal
26 Reserve website at the following address:

27 <http://www.federalreserve.gov/releases/h15/20090202/h15.pdf>
28

b. I then calculated the accrued interest due in the following three periods (1) between the date of judgment and the date of the first payment (2) between the date of the first payment and the date of the second payment; (3) between the date of the second payment and third payment (May 20, 2011); and (4) between the date of the third payment and today (January 11, 2012)

7. According to my calculations, the total amount due on the judgment is \$811,866.77 as of January 11, 2012, not including certain costs for which I have not yet filed a memorandum of costs. A spreadsheet I prepared detailing these calculations is attached hereto as Exhibit A.

8. The Writ of Execution submitted with this Application reflects this information.

I declare under penalty of perjury under the laws of the United States and of the State of California that the foregoing is true and correct.

Executed on January 11, 2012.

/s/

CHRISTOPHER C. COOKE

EXHIBIT A TO COOKE
DECLARATION IN
SUPPORT OF REQUEST FOR
ISSUANCE OF WRIT OF
EXECUTION

